**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

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| IN RE "A MILLION LITTLE PIECES" LITIGATION | No. 06-md-1771<br>Hon. Richard J. Holwell |

**AFFIDAVIT OF EVAN J. SMITH, ESQUIRE IN SUPPORT OF JOINT PETITION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF COSTS FILED BY BRODSKY & SMITH, LLC**

STATE OF PENNSYLVANIA )
) ss.:
COUNTY OF MONTGOMERY )

Evan J. Smith, Esquire, being first duly sworn, deposes and says:

1. I am a partner of the firm of Brodsky & Smith, LLC. I am submitting this affidavit in support of my firm's application for an award of attorneys' fees in connection with services rendered in the above-entitled action ("The Action") and the reimbursement of expenses incurred by my firm in the course of this litigation.

2. My firm acted as one of plaintiff's counsel in this class action. The tasks undertaken by my firm can be summarized as follows: Legal research on class, MDL, stay, preliminary approval, final approval, fee petition, and consumer fraud issues; prepared and revised pleadings, including but not limited to complaint, MDL briefing, preliminary and final approval briefs, travel to and attended hearings and settlement conferences in Kansas, New York, Illinois; negotiated settlement and corresponded with clients and counsel and Court.

3. The chart attached hereto as Exhibit A is a detailed summary indicating the amount of time spent by the partners of my firm who were involved in this litigation,

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and the lodestar calculation based upon my firm's current billing rates for such personnel in the final year of employment by my firm. As reflected therein, my firm expended a total of 363.3 hours on this litigation from the inception of the case to the present, with a total lodestar amount of $172,567.50.[1]

4. The hourly rates for the partners in my firm included in Exhibit "A" are the same as the regular current rates charged for their services in non-contingent matters and/or which have been accepted and approved in other class action matters in this District.

5. The chart attached hereto as Exhibit "B" is my firm's itemization of un-reimbursed expenses incurred in the total amount of $3,999.45 in connection with the prosecution of this litigation.

6. The expenses incurred in this Action are reflected on the books and records of my firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred in connection with the prosecution of the litigation.

7. With respect to the standing of counsel in this case, attached hereto as Exhibit "C" is a brief biography of my firm and attorneys in my firm who were principally involved in this litigation.

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[1] The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by my firm, which are available for inspection upon request of the Court.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 27th day of September, 2007.

Evan J. Smith, Esquire (ES3254)

SWORN TO BEFORE ME

this 27th day of September 2007.

NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Joan M. Forsythe, Notary Public
Lower Merion Twp., Montgomery County
My Commission Expires May 26, 2011
Member, Pennsylvania Association of Notaries

**EXHIBIT "A"**

**IN RE "*A MILLION LITTLE PIECES*" LITIGATION 06-MD-1771**

**BILLING**

**FIRM NAME: BRODSKY & SMITH, LLC**

**REPORTING PERIOD: January 1, 2006 through September 25, 2007**

| ATTORNEY NAME | TOTAL HOURS | HOURLY RATE | TOTAL LODESTAR |
|---|---|---|---|
| Jason Brodsky (P) | 29.9 | $475.00 | $ 14,202.50 |
| Evan J. Smith (P) | 328.4 | $475.00 | $155,990.00 |
| Marc C. Ackerman (P) | 5.0 | $475.00 | $ 2,375.00 |
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| * (P) denotes partner | | | |
| **TOTAL** | 363.30 | N/A | $172,567.50 |

**EXHIBIT "B"**

**IN RE "*A MILLION LITTLE PIECES*" LITIGATION 06-MD-1771**

**EXPENSES**

**FIRM NAME: BRODSKY & SMITH, LLC**

**REPORTING PERIOD: January 1, 2006 through September 25, 2007**

| TYPE OF EXPENSE | CUMULATIVE TOTAL |
|---|---|
| Computerized Legal Research (Westlaw, Lexis, Dialog, etc.) | $ |
| Court Cost & Filing Fees | $445.00 |
| Court Reporters & Transcripts | $182.50 |
| Photocopying | $447.50 |
| Postage, Messenger & Express Mail, FedEx | $250.00 |
| Professional Services (Experts, Investigators, etc.) | $ |
| Telephone & Fax | $ |
| Travel, Hotels, Meals | $2,674.45 |
| Miscellaneous | $ |
| **TOTAL** | $3,999.45 |